

WOODY CLAIM PUZZLES JURY

Damage Suit Brings
Amazing Mass of
Contradictions.

CASE FILED AT LAST MOMENT

Plaintiff's Husband Flatly
Denies Having Made Statements
Before Stenographer and
Witnesses—Car Company
Denies That Any Acci-
dent Occurred.

Argument was concluded late yesterday afternoon in the suit of Mrs. Ida C. Woody against William Northrup and Henry T. Wickham, as receivers of the Virginia Passenger and Power Company, which has been on trial for the past week in law and equity court. The case was submitted to the jury, which had not agreed, after being out about half an hour. The jury was then adjourned until this morning at 10 o'clock. Mrs. Woody seeks to recover \$5,000, allegedly personal injuries in a street car accident.

The case is in many respects one of the most remarkable which has come before a Richmond court in years, and the jury is called on to pick its way through an amazing mass of directly contradictory evidence, sworn statements having been given in the presence of witnesses, and later daily denied.

Deny Alleged Accident.

Attorneys for the street car company deny that any accident occurred, and characterize the whole transaction as an effort to mislead the corporation. They have produced a large amount of evidence in support of this contention, including contradictory statements of the plaintiff's husband, Mr. Woody, who volunteered a statement to the Virginia Railway and Power Company to the effect that his wife had never been on the car, and that she had instructed him and others as to what testimony they were to give to the alleged occurrence. The accident is alleged to have occurred on October 5, 1908. Since then the Woody family has figured in many of the neighborhood rows, including an incident in which Mrs. Woody took a seat before Jerome H. Jonesoff, a Broad Street merchant, and, according to her own account, entered into some conversation with him about furniture her daughter had purchased. Mr. Jonesoff boarded the car, and seeing his wife in conversation with another man, made a personal attack on Mr. Jonesoff, and was arrested by the car crew. This happened on the last day.

Suit Filed at Last Moment.

The alleged accident is said to have taken place at Laurel and Canal Streets, just in front of the Laurel Street Fire Engine House. Southbound cars turn right at Canal at that point, to form a loop. It is alleged that the plaintiff was thrown from the rear of a northbound Laurel Street car, between 5 and 6 o'clock in the afternoon. Officials of the street car company testified that they knew nothing of any accident whatever, or any delay in cars, and that none was reported to them until a few hours before the time limit of one year for bringing such a suit had expired, when notice of suit was filed on the afternoon of the 17th by attorneys E. R. English and O. Wendenburg. No claim had been filed with the company by Mrs. Woody, her family or her attorneys, and it was not until twenty days later, when the declaration was filed, that the company knew the ground of the action. Records were searched, and every man working on the Laurel Street line denied that there was an accident at that corner. Every fireman from the Laurel Engine House was called as a witness, and none knew of any accident at that corner.

Nature of Injuries.

Although a year had passed, the company asked repeatedly for a medical examination of the plaintiff, and was repeatedly told that she was finally examined by Dr. Stuart McGuire, who testified that internal troubles from which she suffered might have been caused in other ways than by a fall. Miss Anna Evans, Schenk's nurse, was recalled and testified that when Schenk was arrested, Schenk sprang up in bed and cried, and that he cried daily after that. It was at the opening of the afternoon session that the defense started, and sharp testimony was given by McGuire, who testified that the calling of physicians, the detective bookkeeping affidavits, and the attempt to impeach the testimony of Dr. Myers. Dr. Osburne was called and told Mr. O'Brien that he had attended many cases of arsenical poisoning. He had visited Schenk with Dr. Hupp, the attending physician, and Dr. S. L. Jepson. There were no symptoms of arsenical poisoning, he declared. He said Dr. Hupp had told him on that visit that the wife had been poisoned, and that he had no reason for changing his mind on that point.

Attorneys Give Up Case.

Later Mr. Woody went to Mr. Wendenburg and told him substantially the same thing. Mr. Wendenburg wanted to know why the two men had given conflicting statements, and both he and Mr. English retired from the case. The case was called on June 21 and continued to November 17, when James Gordon and H. H. Cray, attorneys for Mrs. Woody, they had been retained, and the case was again continued to give them time to prepare their evidence. It was brought into the evidence that Mrs. Woody was married at the age of fifteen, and at twenty-seven was the mother of ten children. Dr. McGuire testified that he couldn't say what was the cause of her trouble, and her own physician, Dr. Mosely, had found no bruises or scratches. Mrs. Woody, on the stand, said she was knocked unconscious by her fall, one tooth being knocked out. Witnesses differed from five minutes to a half-hour as to the length of time she was unconscious. Mrs. Woody said she had left her home, at 124 South Lombardy, with her husband and mar-

WILL TAKE STAND IN OWN DEFENSE

Mrs. Schenk, Alleged
Poisoner, to Tell Her
Story to Jury.

CASE OF STATE IS COMPLETED

Defense Begins Taking Evidence,
and Fate of Rich Pork-Packer's
Wife May Be in Hands of
Jury by Monday—Prose-
cution Scores During
Day.

Witnesses, W. Va., January 19.—With the State's case in the presentation of its evidence today in the prosecution of Mrs. Laura Farnsworth Schenk, charged with poisoning her husband, John O. Schenk, the defense this afternoon began to call its witnesses, but not before Mrs. Schenk's attorney, S. O. Boyce, had moved to strike out all of the State's evidence and dismiss the case.

Judge L. S. Jordan promptly overruled the motion, declaring that had the defense called Mrs. Schenk to testify against his wife he would have allowed the testimony. A State law specifically forbids the introduction of a husband's testimony against the wife, or vice versa, except by the other's consent.

"I would have admitted John Schenk's evidence, irrespective of the statute," Judge Jordan said. "If a man assaulted his wife, and there were no witnesses, it would be monstrous if she could not testify against him. In this case, the alleged offense was committed on Schenk, and I certainly would have admitted him a competent witness."

Physicians Not Called.

J. P. O'Brien, chief counsel for the accused, had announced that he would put on every physician and druggist in the city, in an attempt to show that Mrs. Schenk had not bought arsenic from any of them. Dr. J. W. Myers, when called to the stand, having declared that Mrs. Schenk had obtained Fowler's solution of arsenic from another doctor. This line was stopped, however, by the State's attorney, who declared that the State has shown by competent physicians that the husband was suffering from both lead and arsenic poisoning, and that analysis of mineral water and medicines he took contained arsenic and sugar of lead. Mrs. Schenk was indifferent to her husband, preferring another, and had marked the death of her husband with the kind of funeral he would have had, if the accused offered a detective nurse \$1,000 to administer poison to John Schenk; that she had been indiscreet with another man, as testified to by her husband, and that she had prepared sugar of lead from Dr. J. W. Myers, asking him also for a form of arsenic.

Attorney's Motion Dismissed.

"And these points have been clearly set out," declared the State's attorney, "and upon them the State bases its demand for a conviction." It was at this point that Attorney Boyce made his motion to dismiss the case, asserting that the physicians' testimony was conflicting, some claiming lead and others arsenic poisoning, and that the information Schenk based on what Schenk had told them.

Mr. O'Brien Said in His Opening Statement.

that all of his evidence would be in three days, in which event the jury will have the case by Monday evening. He is practically assured that the defendant will take the stand in her own behalf.

Lundy Wilson, the Schenk's chauffeur, was recalled in the morning. He was asked:

"Why did you never tell John Schenk what was going on?"

"I had no business to, and Schenk would not have believed me," he said.

Schenk Cried Daily.

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He testified that if an ounce of sugar of lead had been placed in a bottle of medicine, the lead would be precipitated to the bottom and would have little effect on the person taking the medicine. He said further that the amount and quality of food given Schenk would indicate that he had not been suffering from lead poisoning, and that he had no reason for changing his mind on that point.

Will Reconsider Claim

Aero Club May Award Statue of Liberty Prize to Grahame-White. New York, January 19.—Grahame-White's claim to the \$10,000 prize offered by Thomas F. Ryan for the Statue of Liberty flight, awarded to the first man to make a non-stop flight across the Atlantic, will be reconsidered by the contest committee of the Aero Club of America, upon the arrival of the full text of the decision of the International Aeronautic Federation made recently in Paris. The text is presumably on its way across the Atlantic.

Announcement to this effect was made today by Lyttleton Fox, of the board of governors of the Aero Club,

DEATH OF MORTON COMES SUDDENLY

Stricken in Hotel, Dies
Before Wife Can
Reach Him.

WAS PRESIDENT OF EQUITABLE

He Had Also Served as Secretary
of the Navy in Roosevelt's
Cabinet—Did Not Know of
His Danger, Although
Family Had Been
Informed.

New York, January 19.—Paul Morton, president of the Equitable Life Assurance Society, and Secretary of the Navy under Theodore Roosevelt, died of cerebral hemorrhage in the Hotel Seymour here tonight. His wife and his elder brother, Joy, were summoned to his side, but he was dead at a quarter to 7 o'clock, a few minutes before they arrived, and an hour after he was stricken. His close friend, E. J. Berwind, arrived a few moments earlier, perhaps ten minutes before he breathed his last, but he was unconscious from the moment of the stroke, and neither recognized those about him nor spoke. The coroner's office is satisfied that the death resulted from natural causes, and there will be no autopsy.

Did Not Know His Danger.

Mr. Morton himself had no idea that his life was in danger, but his family, his physicians and a few close friends knew that his condition was precarious, and that if he did not take care of himself grave results would follow. Joy Morton gave a full account of his brother's illness and sudden death. He said that after he and Paul took lunch together today they parted, the latter declaring that he would see his brother at home at 6 o'clock. Joy Morton called at his brother's office, thinking that both would go home together, but Paul had left. Joy went on home, where he and Mrs. Morton took tea together.

She Knew that Paul Had Promised

to come home at 6 o'clock, or before, said Joy, and as it grew late she turned to me and said: 'Joy, isn't it odd that Paul's late? He's always so punctual.' The words were hardly out of her mouth before the telephone rang, and the mother brought bad news. 'Mrs. Morton,' he said, 'the general Seymour telephones that Mr. Morton has just fainted.'

"We jumped into an automobile, and were there in a jiffy. Mr. Edward J. Berwind was there before us. They had telephoned to the Metropolitan Club, to Paul's office and to others of his friends.

"He was on the fifth floor, where he had an apartment with a lawyer whose name I don't recall. They told us that he had fainted in the hallway, on his way to his friend's room, and that they carried him into a vacant apartment."

Mr. Morton said that his brother Paul was examined about December 1 last for a polio in the Equitable, but that he was rejected.

"Of course, it was a shock," said Joy, "but Paul never dreamed how serious was his case. It alarmed the family, however, and he came on to Chicago to be examined by Dr. Frank Billings. That, I think, was about December 5. Paul laughed at us. 'They are only trying to scare me,' I remember he said.

"Dr. Billings didn't tell me Paul all he found, but he did tell me 'Your brother's blood pressure is too high,' he said. 'He has auto-intoxication,' and then he explained that auto-intoxication is a condition in which the body does not rid itself of the toxins it secretes, and so poisons itself. In addition, he diagnosed cerebral thrombosis. My father died of precisely similar conditions on April 27, 1902."

"Then I came on to New York, I found out what they thought here. Dr. Isaac Adler, the family physician, told me that Paul was suffering from a kidney and arterial condition indicating Bright's disease. Dr. Wells told me that he had rejected Paul because his tests showed traces of albumen. 'Frankly,' he said, 'I'm feeling the effects of what we call an unbalanced ration.'

His Diet Unbalanced.

"If I tell you a little about Paul's habits that phrase will explain itself. He was a very temperate man. He ate sparingly, drank and smoked not at all. For breakfast he would eat something a grape fruit, nothing more. For luncheon he would sometimes eat a sliced orange and nibble at sweets. You see his diet was unbalanced, and his blood lacked some of the elements of strength a man that did his work needed. Dr. Wells said that he would have to take the greatest care of himself and that he ought to cut down on work."

"It was his first illness, and he refused to call himself sick, but we had persuaded him to take a vacation as a theoretical invalid. He would have

(Continued on Sixth Page)

CLOSE ECONOMY DAMAGES SERVICE

Hitchcock's Post-Office
Penuriousness Sharply
Criticized in House

LABOR REPORTS ARE SUPPRESSED

Conditions Found in North Carolina and Other Southern States Which Will Not Admit of Printing—First Guns Fired in Fight to Fortify Canal.

Washington, D. C., January 19.—Postmaster-General Hitchcock's economy of administration in the post-office came in for sharp criticism at the hands of several members of the House of Representatives to-day during the consideration of the post-office appropriation bill.

Representative Small, of North Carolina, Hartlett, of Georgia, Borah, of Missouri, and Sanders, of Virginia, on the Democratic side, and Representative Steenerson, of Minnesota, on the Republican side, declared that the economy plans were seriously affecting the efficiency of the postal service, especially on the rural free delivery and star routes, and took issue with the officials of the Post-Office Department that the postal deficit was being wiped out without detriment to the service.

Mr. Small declared that the rural service was being discriminated against, and that while the department did not hesitate to create a deficiency in one branch of the service, it was declining to spend \$1,000,000 of the appropriation allowed by Congress for increased rural routes.

Mr. Small asserted that when Congress provided for additional service, its will should not be thwarted by executive action.

Labor Reports Suppressed.

Washington, D. C., January 19.—That Secretary Nagel, of the Department of Commerce and Labor, has suppressed much of the reports of the Bureau of Labor because of their revelations concerning the private lives of people in North Carolina and other Southern States was asserted in the Senate to-day by Senator Overman. He stated that some of the reports were so revolting in character that if printed the law prohibiting the circulation of obscene literature would prohibit their transmission through the mails.

A statement was elicited in connection with an inquiry from Senator Beveridge as to the publication of the investigation into the employment of woman and child labor made a few years ago by the Bureau of Labor.

Responding to Mr. Bates, Senator Smoot, chairman of the Committee on Printing, said that owing to the extending of the report, publication necessarily would be postponed until the middle of the summer. He said that the report would cover twenty volumes.

Senator Beveridge expressed impatience over the delay, and while he was engaged in a colloquy with the Utah Senator, Mr. Bailey interrupted with a question as to the report coming to his ears was correct, the report should never be published.

It was at this juncture that Senator Overman declared that he had heard of the vile character of some of these reports, and that he had felt called upon to suppress them. It would seem that some of the reports had come into the mountains and had taken it upon themselves to investigate the private affairs of the people when the law authorized an inquiry only into labor conditions.

"Just so," commented Mr. Bailey, "whenever we allow one of these meddlesome officers to set their noses into the private lives of the people, they are liable to go farther than they should."

The inquiry in question was made at a cost of \$200,000.

Canal Fight Is On.

Washington, D. C., January 19.—The opening gun in the fight for the fortification of the Panama Canal was fired and war talk held full sway during the first two hours of the session of the House of Representatives to-day. Although the post-office appropriation bill ostensibly was under consideration.

Representative Keifer, of Ohio, spoke in favor of the neutralization of the canal. He was replied to by Representative Hobson, of Alabama.

General Keifer declared that the fortification of the canal would be an act of war, and a violation of all the treaties affecting the waterway.

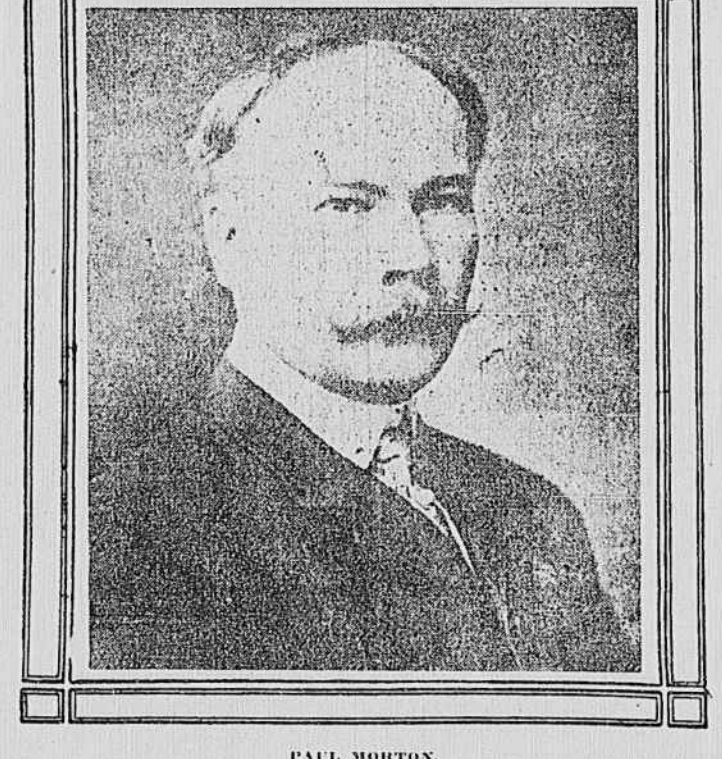
Mr. Hobson said that in the stress of war, the stronger power always sets treaties and international law at naught.

General Keifer declared that there could be no peace footing on the isthmus if the canal were fortified. It would be necessary to keep a war force there at all times.

Mr. Hobson said he could not understand how any American was willing to say that this nation was too weak to protect a waterway which was wholly an American proposition and

(Continued on Seventh Page)

DIES IN NEW YORK HOTEL



ISAAC EMERSON SEEKS DIVORCE

Files Secret Suit Against Wife
in Circuit Court at
Baltimore.

CREATES FURORE IN SOCIETY

Prominent Clubman and Business Man Said to Have
Been Named.

[Special to The Times-Dispatch.]
Baltimore, Md., January 19.—Isaac E. Emerson, known throughout the world as the "Bromo Seltzer King," died a secret divorce suit against his wife here to-day, and C. Hazleton Dasher, a prominent Baltimore business man and clubman is named as co-respondent. Mrs. Emerson has been served with a summons to appear in the Circuit Court to answer the bill. Mr. Emerson has engaged the law firm of Gans & Hanan, through which the suit was filed, and Mrs. Emerson is represented by Attorneys George Whitlock and William Shepard Bryan.

All details of the filing of the suit have been closely guarded and the allegations have not been entered on the court docket. A record of the case, however, has been entered, and the papers are now in the hands of Judge Charles W. Heister.

Mr. Emerson attended the big Democratic dinner held in this city on Tuesday night. He remained in Baltimore part of Wednesday and then, accompanied by E. H. Barse, went to New York. Even Judge Heister, aside from admitting that he has the papers in his possession, will not reveal the details of the case.

Mr. Emerson has refused to give out details of his case here. Mr. Barse, who is vice-president of the Thomas H. Basher Company, steel workers, was dumfounded when told that he had been named as co-respondent.

Mr. Emerson has mixed me up in this matter," was his inquiry. Then he set his mouth and said: "Not at all. I will not discuss the case."

The filing of the divorce papers has created a furore in Baltimore business and social circles. Mr. Emerson is now building a sixteen-story hotel in Baltimore and a million dollar office building. Margaret Emerson, his daughter, who married Dr. Smith Hobson, of New York, secured a divorce last August in Reno. She is a constant companion of her father.

Sumner, of New York, dropped out last Thanksgiving, when Mr. and Mrs. Emerson had a disagreement in New York City. Captain Emerson left New York and took a party of friends to Acadia, his North Carolina home.

Mrs. Emerson has devoted herself to all callers at her palatial home in this city.

Mr. Barse was astonished when informed of his connection with the case. He admits that he has met Mrs. Emerson. They were seen together at the Pimlico races last October.

The Emersons are natives of North Carolina, and have lived in Baltimore for thirty years. Mrs. Emerson was formerly Miss Askew, of Raleigh, N. C. Her first husband was a Mr. Dunn. Mr. Emerson is a native of Chapel Hill, N. C.

PARTY CAUCUS NAMES CLARK AS NEXT SPEAKER

Missourian Is Unanimous
Choice of Democratic House Members

GREAT OVATION ACCORDED HIM

Mention of Him for Presidency
in 1912 Arouses Great Enthusiasm—Underwood to Head
Ways and Means Committee,
Which Will Appoint
Other Committees.

Washington, D. C., January 19.—Champion Clark, of Missouri, chosen Speaker of the next House of Representatives here, gave a rousing ovation on the mention of his name for the presidency; a Ways and Means Committee to name the standing committees and frame tariff legislation for the next session of Congress; a barrel of resolutions, and most of speakers—these were features of to-night's caucus of Democratic members of the coming House.

There were only eight absentees among the old and new Democrats of the Sixty-second Congress.

Mr. Underwood, of Alabama, long Congress member, gave a rousing ovation on the mention of his name for the presidency; a Ways and Means Committee to name the standing committees and frame tariff legislation for the next session of Congress; a barrel of resolutions, and most of speakers—these were features of to-night's caucus of Democratic members of the coming House.

The caucus developed considerable difference of views as to method of selecting committees, but when the time came for voting various resolutions were passed, the Fitzgerald resolution to leave the committees to the Speaker's selection, and the Underwood resolution placing power in the Ways and Means Committee carrying by 160 to 7.

"Clark for President"

Rouses Enthusiasm

Washington, D. C., January 19.—Representative Champ Clark, of Missouri, the Democratic leader of the House, and receptive candidate for the Democratic nomination for the presidency, when the time came for voting various resolutions were passed, the Fitzgerald resolution to leave the committees to the Speaker's selection, and the Underwood resolution placing power in the Ways and Means Committee carrying by 160 to 7.

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